

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PHILLIP J. LYONS,

Plaintiff,

vs.

STATE OF NEVADA ex rel, c/o ORTIZ, et  
al.,

Defendants.

Case No. 2:10-CV-00707-JCM-(GWF)

**ORDER**

Presently before the court is *pro se* plaintiff Phillip J. Lyons' motion to reassign this case. (Doc. # 74). Defendants filed a response in opposition. (Doc. # 75). Though the deadline has passed, plaintiff has not filed a reply.

Plaintiff brings the instant motion requesting the recusal of Judge Mahan from this case, stating that the court's "erroneous rulings have resulted in substantial delays in having this case adjudicated on the merits . . . ." (Doc. # 74 p. 3). Plaintiff states that he believes the Ninth Circuit's reversal of one of the court's orders in this case and another case involving plaintiff has prejudiced the court against him.

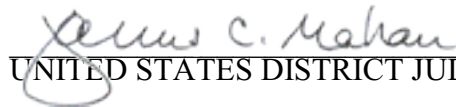
28 U.S.C. § 144 provides, "Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding."

1 The instant motion fails to allege that there is any indication of *personal* bias or prejudice  
2 against plaintiff in favor of any other party in this case. A valid motion pursuant to U.S.C. § 144 must  
3 allege that bias or prejudice arises from an extrajudicial source. *See United States v. Sibla*, 624 F.2d  
4 864, 868. Because plaintiff's motion only refers to events that occurred within the proceedings of this  
5 and another case, it will be denied.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *pro se* plaintiff Phillip J.  
8 Lyons' motion to reassign this case (doc. # 74) be, and at the same time hereby is, DENIED.

9 DATED April 2, 2014.

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12 UNITED STATES DISTRICT JUDGE  
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